

Dear Rep. Abercrombie, Rep. Walker, Senator Moore, Senator Bye

Good Afternoon, My name is Dominic M. Cotton of 60 Carona Drive, Milford Ct. I am testifying in opposition to Ammendments to the Brain Injury Waivers. The Department of Social Services have misinterpreted new guidlines by the Centers for Medicaid Services that will cause grave consequences for brain injury survivors.

I had with Nancy Grano of the Centers for Medicare Services regarding Prevocational Services. The Department has been asserting that Prevocational services should have a time limit of two years as a result of federal regulation. The key issue relates to the Olmstead decision and the integration of disabled in to community based integrated employment opportunities at or above minimum wage. As such prevocational services are designed to be time limited to push a person towards paid employment as per a 2011 service bulletin from CMS.

The Brain Injury community object to the Departments limits, as many survivors in our community require extra time in order to attain the underlying habilitative goals(e.g., attention span, motor skills, interpersonal relations with co-workers and supervisors) that are associated with building skills necessary to perform work and optimally to perform competitive, integrated employment. We questioned the Departments interpretation of the CMS service bulletin and both the Brain Injury Alliance and myself contacted CMS. The email below was received, and I had a follow up conversation with Nancy Grano of CMS.

In the email and conversation with Nancy Grano, she clearly specified that it is up to the State to determine the time limits for Prevocational Services for our population. If the Department determines that a time limit beyond two years for this population then they would have to justify it in the waiver document submission. The Department has chosen the two year limit without a scientific or researched basis. They misinterpreted CMS guidance and equated the need to justify based on individual accounts rather than the populations need.

The Department of Social Services is planning to utilize a service of Group Supported Day program in place of Prevocational Services if a Brain Injury Survivor can't attain employment after the two years. The staffing ratio can go to 1 to 7 in the day program, services are not vocational, and as of current there are no providers in the state. Prevocational service are generally one to one and more intense from a rehabilitation stand point

I have suggested that the Administration rethink the current stance with regard to this amendment to the Brain Injury waivers and revise time limits on research based population need, rather than ease of waiver application submission.

We would request that you vote no to the amendments in their current form so the proper research and appropriate limitations can be made to ensure that Brain Injury Survivors receive the appropriate treatment to attain their Person Centered vocational goals.

Sincerely,
Dominic M. Cotton, MHA

We wanted to follow up regarding your question about time limits for HCBS waiver prevocational services. This note confirms that guidance provided in the September 2011 Informational Bulletin, and most recently incorporated into the CMS HCBS Waiver Technical Guide (accessible at <https://wms-mmdl.cdsvdc.com/WMS/faces/portal.jsp>), indicates that CMS requires that a time limit be specified/defined in the waiver document. However, the time limit is set at the State's discretion. With regard to Connecticut's ABI II HCBS Waiver, CMS indicated that a maximum allowable time exceeding two years would not be considered appropriate without a justification. This means that a timeframe under two years would not require explanation, but timeframe above two years would require an explanation.

We hope that this information is helpful. Thank you again for your inquiry.

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